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DIGITAL MUST-CARRY

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Amendments to Part 76)		
of the Commission's Rules	í		

To: The Commission

COMMENTS OF THE PENNSYLVANIA CABLE NETWORK

Brian Lockman
Vice President and Chief Operating
Officer
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October 9, 1998

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To: The Commission

COMMENTS OF THE PENNSYLVANIA CABLE NETWORK

1. Introduction

Pennsylvania Educational Communications Systems, d/b/a Pennsylvania Cable
Network (PCN), a not-for-profit public service of Pennsylvania cable television
companies, submits these comments to inform the Commission of the serious, most likely
fatal damage that would be inflicted on this network as a result of the imposition of
digital must-carry.

PCN is a public service cable television network dedicated to the interests and needs of Pennsylvania and its citizens. As such, the network provides fourteen hours per day of satellite-delivered, gavel-to-gavel coverage of public events significant to the people of this Commonwealth. Serving as a C-SPAN for Pennsylvania, PCN provides live, gavel-to-gavel coverage of the Pennsylvania Senate and House of Representatives

floor debates, as well as a daily schedule of committee hearings, press conferences, meetings of the Pennsylvania Public Utility Commission, the Independent Regulatory Review Commission, and other activities of state government. Reaching beyond the Capitol, PCN provides gavel-to-gavel coverage of the annual conferences held by the Pennsylvania League of Cities, the Pennsylvania Association of Township Supervisors, the Pennsylvania Boroughs Association, the Pennsylvania State AFL-CIO, the Pennsylvania State Education Association, and the Pennsylvania State Democratic and Republican Committees.

The network's Viewer Call-In, campaign and election programming, and coverage of events which reflect the state's history, business and culture round out an extensive schedule of public affairs television programming.

Historically dedicated to education, PCN gives free air time to any of the state's colleges and universities wishing to offer college-credit courses over PCN. The weekly two-hour *Homework Help* program allows elementary and secondary school students to call in and ask science and mathematics homework questions on the air to state-certified teachers, giving the students the opportunity to better understand their school lessons. Fourteen hours per week are devoted to basic adult literacy, featuring the television programs *Learn to Read* and *GED on TV*.

The cost of all programming mentioned is borne by PCN, and it is aired without commercial interruption.

Founded by cable television operators in 1979 as the nation's first educational cable network, PCN has grown to be the pre-eminent state public affairs and educational cable television network in the nation. Attached as Exhibit A are several letters

written on behalf of PCN, attesting to the network's value to citizens and elected officials in the state.

2. Funding PCN

More than 90 percent of PCN's revenues come from subscriber fees charged to each of the network's participating cable systems. As of this writing, PCN is carried by 88 cable television systems serving 2 million of the 3.2 million cable homes in Pennsylvania.

The network receives no revenue from the Commonwealth of Pennsylvania or any other government entity. As such, PCN is a public service provided by Pennsylvania cable television operators to their subscribers.

At present, the network employs a full-time staff of 16. Of these, 10 are directly involved in network operations, including field production, studio production, tape playback, on-air duties, information gathering, and editorial decision making. The same 10 people are responsible for a daily fourteen-hour schedule of public affairs programming, nearly all of it produced in-house.

Considering the network's total revenue, which is tiny in comparison with any other television station or network, and the large number of hours of original programming generated daily, which is larger than the output of nearly any other television station or network regardless of budget, PCN is a monument to television efficiency.

3. Why PCN Matters

The issues of the day about which citizens feel most strongly--education, crime, employment, roads and highways, insurance, and others--are principally the purview of state governments. Decisions made in statehouses across the nation generally affect citizens more directly and immediately than decisions made at the federal level. Yet the traditional news media in recent years have seen fit to reduce, and even eliminate their coverage of this vital aspect of democracy.

Pennsylvania is the home of 46 broadcast television stations, commercial and noncommercial. Of these broadcasters, **not a single one** has a bureau assigned to cover the activities of the state government. The cameras of broadcast stations virtually never appear in Pennsylvania's Capitol. For Pennsylvanians who receive their news through broadcast television, state government simply does not exist. For television viewers in the state, Pennsylvania Cable Network is the **only** source of news about the activities of their state government.

The broadcast industry which seeks special treatment and the protection of digital must-carry is the very same industry which has totally abandoned its responsibility to citizens to inform them about their state government, leaving cable television as the only medium willing to provide this service.

The Federal Communications Commission said on page 5 of the above-referenced Notice of Proposed Rulemaking:

"Congress believed that laws were required to ensure...as it relates to noncommercial television stations, the continued distribution of unique, noncommercial, educational programming services. Congress reasoned that without mandatory carriage provisions in place, the economic viability of local broadcast television and its ability to originate quality local programming would be jeopardized."

As described earlier, PCN currently provides nearly one hundred hours per week of local, unique, noncommercial, educational programming, more by far than any broadcast station in the state, perhaps in the nation. The imposition of digital must-carry and the inevitable damage done to PCN as a result, would seem to fly in the face of the will of the Congress on this point.

4. Marketing PCN

While PCN has grown from 600,000 subscribers to two million subscribers in the past five years, the problems with marketing such a service are many.

First and foremost, PCN is not a mass-audience network. Positioning itself more like the public library than the local mall, the goal of the network is to provide a community service, and not to appeal to the lowest common denominator in an effort to maximize Nielsen ratings. While the issues covered by PCN may be of tremendous importance to a small number of people at any given time, over the course of time our programming offers vital information to a large number of people.

PCN recently provided prime-time, gavel-to-gavel coverage of a four-hour hearing on the issue of institutionalization of the mentally retarded. Compared to the number of viewers who watched the entertainment programming offered by ABC, NBC, or CBS that evening, PCN viewership was probably quite small. But to the people affected by the issue, the coverage may well have been the most important thing on television all year. It was an issue of profound importance to those citizens, and it received virtually no coverage from the traditional news media and absolutely no coverage from any broadcast television programmer.

As vital as such programming might be to certain citizens, when cable operators are forced to consider carriage of PCN against ESPN2, The History Channel, Turner Classic Movies, and HBO 2, 3, and 4, PCN is a difficult sell. In fact, when cable operators survey their subscribers, asking them which networks they would like to see added to their cable systems, PCN and other niche programmers traditionally finish near the bottom. Sports, movies, and entertainment are always an easier draw than gavel-to-gavel coverage of state legislative sessions.

It is, therefore, to the tremendous credit of the many cable operators who have been responsible for PCN's growth in recent years that they saw the value of this public service and supported it with their own money.

Unfortunately, in spite of the network's growth over the past five years, PCN is still not available in 1.2 million of the state's cable homes. The reason given in nearly every case is "channel capacity." In fact, the Commission, on page 24 of the above-referenced Notice of Proposed Rulemaking, cited Nielsen's Cable On-Line Data Exchange as saying that, "some two-thirds of cable systems are currently channel-locked," a situation that will be made far worse with digital must-carry.

With limited channel availability many cable operators, looking to expand their channel lineups, are forced to look principally at well-financed, heavily advertised, mass-audience networks at the expense of public service networks.

5. The Effect of Digital Must-Carry on PCN

In order to gauge the effect of the imposition of digital must-carry on PCN, one should look at the most recent time must-carry was imposed on the cable industry, following the 1992 Cable Act. As a direct result of must-carry, nearly 5 million cable households suffered the loss of part or all of C-SPAN programming. PCN, being a programmer very much like C-SPAN, will receive similar treatment.

PCN has already been given indications of its status should digital must-carry be imposed.

Armstrong Cable Services is a Pennsylvania-based Multiple System Operator serving 106,000 subscribers in the state. The company provides PCN to 100 percent of its subscribers and has long been one of PCN's strongest supporters. William Stewart, Chief Operating Officer of Armstrong, said there was a "strong likelihood that PCN would be looked at as a candidate to be dropped if digital must-carry happens." He said that PCN and C-SPAN were vulnerable because of "the narrow niche of their interest, and their lack of entertainment value."

Blue Ridge Cable Technologies, another Pennsylvania-based MSO, carries PCN to all of its 147,000 subscribers in the state, and has been a strong supporter of the network since its inception, nearly twenty years ago. Fred Reinhard, President of Blue Ridge, has said "digital must-carry would have a devastating effect on PCN on a lot of our systems. If push came to shove and viewers had to lose something they would choose PCN because it is a niche type of programming."

Mr. Stewart and Mr. Reinhard are among PCN's strongest supporters. In spite of their personal and corporate commitment to the network, they recognize the severe damage PCN would suffer even on their own systems as a result of digital must-carry.

Judging from these comments and the previous experience of C-SPAN, it is clear that the imposition of digital must-carry would cause severe damage to the Pennsylvania Cable Network, a non-profit cable television network dedicated to public service. Faced with the loss of such a large number of subscribers, the source of virtually all of PCN's revenue, the continued existence of the network would be unlikely.

While many cable systems are planning or in the process of rebuilding with the purpose of increasing channel capacity, these projects invariably take years to complete. It is unreasonable to assume that PCN could survive the period between the imposition of digital must-carry and that mythical time in the future when channel capacity is abundant.

6. Conclusion

It is difficult to believe that the greatest threat to the Pennsylvania Cable Network and its public service mission could come directly from the United States Government.

If the Federal Communication Commission chooses to impose digital must-carry, it will be guaranteeing success for the broadcasters' new business ventures, regardless of the damage done to other companies. That the FCC would designate certain businesses for success based solely on their means of transmission is inconceivable. That the Commission, through deliberate action would put PCN, and other public service television networks out of business is beyond belief.

Digital must-carry is a bad idea that will have a devastating effect on all but the wealthy broadcasters, whose fare includes little more than movies, sports, and entertainment, and whose commitment to local programming is scant at best. Digital must-carry will serve to the benefit and enrichment of broadcasters who have largely abandoned their responsibility for an informed electorate, especially at the state level.

Digital must-carry must not be imposed in any form.

If broadcasters, with all their wealth, wish to build a business of digital television, let them do as little, non-profit PCN has done--compete in the marketplace without any federally provided guarantee of success.

PCN asks no favors. We do not request special treatment. We are proud of the product we produce and the service we provide to the citizens of Pennsylvania. We feel we can compete in the marketplace by offering unique, original, noncommercial, and local programming which is not available on any other channel. We ask only that the United States Government not make it impossible for us to compete by granting preferential treatment to broadcasters.

Respectfully submitted,

PENNSYLVANIA EDUCATIONAL COMMUNICATIONS SYSTEMS, d/b/a Pennsylvania Cable Network

By:_/

Brian Lockman

Vice President and Chief Operating Officer

401 Fallowfield Road

Camp Hill, PA 17011

(717) 730-6000

EXHIBIT A

- 1. Letter from State Sen. Clarence D. Bell to U.S. Sen. Arlen Specter
- 2. Letter from State Rep. Phyllis Mundy to U.S. Sen. Arlen Specter
- 3. Letter from State Rep. William R. Lloyd to FCC Chairman William Kennard
- 4. Letter from State Sen. Jeffrey E. Piccola to U.S. Sen. Arlen Specter
- 5. Letter from State Sen. Mary Jo White to U.S. Sen. Rick Santorum
- 6. Letter from State Sen. Michael A. O'Pake to U.S. Rep. W.J. Tauzin
- 7. Letter from State Rep. Babette Josephs to U.S. Sen. Arlen Specter

CLARENCE D. BELL, Esq.

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Senate of Pennsylvania

COMMITTEES

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JOINT LEGISLATIVE BUDGET
AND FINANCE
CHAIRMAN
CONSUMER PROTECTION AND
PROPESSIONAL LICENSURE
VICE-CHAIRMAN
APPROPRIATIONS
MEMBER

RULES AND EXECUTIVE NOMINATIONS
STATE GOVERNMENT
TRANSPORTATION
MILITARY AND VETERANS AFFAIRS

June 25, 1998

U.S. Senator Arlen Specter 711 Hart Senate Office Building Washington, DC 20510

My dear Arlen:

I'm enclosing herewith letter from PCN, Pennsylvania Cable Network, which is self-explanatory. This covers the "Digital Must-Carry" rule being considered by the FCC.

I find that PCN is of tremendous value not only to the quarter-million Pennsylvanians whom I represent but to other residents of Pennsylvania.

You are urged to do everything in your senatorial power to protect PCN against an arbitrary rule by the FCC.

Very sincerely yours,

CLARENCE D. BELL

SENATOR

CDB/mr

cc: Mr. Brian Lockman

PHYLLIS MUNDY, MEMBER

PARK BUILDING SUITE 107 400 THIRD AVENUE KINGSTON, PENNSYLVANIA 18704 PHONE: (717) 283-9822 (717) 858-3375

MAIN CAPITOL BUILDING HOUSE BOX 202020 HARRISBURG, PENNSYLVANIA 17120-2020 PHONE: (717) 783-1614



DEMOCRATIC CHAIR, NORTHEAST DELEGATION

COMMITTEES

APPROPRIATIONS

COMMERCE AND ECONOMIC DEVELOPMENT DEMOCRATIC CHAIR, SUBCOMMITTEE ON HOUSING

EDUCATION

Senator Arlen Specter United States Senate 711 Hart Senate Building Washington, DC 20510-3802

Dear Senator Specter:

I am writing to express my serious concern on the issue of "Digital Must-Carry," a rule now being considered by the Federal Communications Commission which would have serious repercussions on the Pennsylvania Cable Network (PCN), and could threaten its existence as a public service.

PCN, like its counterparts CSPAN and CSPAN II at the federal level, serves a vital role in our democracy by providing residents of the Commonwealth with televised gavel-to-gavel coverage of Pennsylvania legislative floor debates, hearings, press conferences and other forums in which the business of state government is debated and decided.

I am greatly concerned that the "Digital Must-Carry" rule, which would require cable television systems to carry all broadcast stations' digital transmissions in addition to their current analog transmissions, would crowd out PCN, CSPAN and CSPAN II. Under this scenario, many cable television companies would be forced to drop existing cable networks to make room for these digital channels. While large, well-financed systems such as ESPN, Home Box Office and CNN would be safe, nonprofit, public service networks such as PCN and CSPAN would be seriously threatened.

I would respectfully request your attention to this matter to ensure that Pennsylvania citizens continue to have access to democratic policy making at the state and federal levels of government through their cable providers. Thank you for your attention to this important matter.

Sincerely,

Phyllis Mundy Phyllis Mundy

State Representative

120th District

cc: Brian Lockman, VP/COO, PCN

WILLIAM R. LLOYD, JR., MEMBER 651 SOUTH CENTER AVENUE P.O. BOX 425 SOMERBET, PENNSYLVANIA 15501 PHONE: (814) 443-4230

ROOM 128, SOUTH OFFICE BUILDING HOUSE BOX 202020 HARRISBURG, PENNSYLVANIA 17120-2020 PHONE: (717) 783-5183



COMMITTEES

CONSUMER AFFAIRS,
DEMOCRATIC CHARMAN
LEGISLATIVE SUDGET AND
FINANCE, TREASURER

STATE TRANSPORTATION ADVISORY COMMITTEE



William Kennard, Chairman Federal Communications Commission 1919 M. Street, Northwest Washington, D.C. 20554

Dear Sir:

I have recently been contacted regarding a proposed rule which would require cable television systems to carry all broadcast stations' digital transmissions in addition to their current analog transmissions.

The effect of this proposed rule would be to reduce substantially the number of cable systems in Pennsylvania which carry the public service programming of the Pennsylvania Cable Network.

PCN is, in essence, the "C-SPAN for Pennsylvania." PCN provides gavel-to-gavel coverage of the state House of Representatives and Senate, legislative hearings, press conferences, and other events at which state government-related issues are debated and decided.

Unfortunately, outside the major metropolitan areas, media coverage of events in the state capital is very limited. Even in the larger media markets, coverage tends to focus on high profile issues only. PCN offers individuals an opportunity to follow issues of interest to them and to become better informed about public policy choices.

In view of the foregoing, I urge you to reconsider the proposed rule on "digital must-carry."

Thank you for your consideration.

Sincerely

William R. Lloyd, Jr. State Representative 69th District





JEFFREY E. PICCOLA

PLEASE REPLY TO:

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HARRISBURG, PA 17120-3015

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INTERNET E-MAIL ADDRESS
jpiccola Opesen.gov



June 29, 1998

COMMITTEES

AGING AND YOUTH, CHAIRMAN CONSUMER PROTECTION AND PROFESSIONAL LICENSURE EDUCATION

JUDICIARY

RULES AND EXECUTIVE NOMINATIONS
URBAN AFFAIRS AND HOUSING

SENATE REPUBLICAN POLICY COMMITTEE
LEGISLATIVE BUDGET AND FINANCE COMMITTEE

JOINT STATE GOVERNMENT COMMISSION -TASK FORCE ON ADOPTION LAW

PENNSYLVANIA COMMISSION ON SENTENCING

WEBSITE ADDRESS www.piccola.org

The Honorable Arlen Specter Senator Room 1159, Federal Building 228 Walnut Street Harrisburg, PA 17101

Dear Senator Specter:

Please find enclosed a copy of a letter I received from Brian Lockman, Vice President and Chief Operating Officer, Pennsylvania Cable Network (PCN), regarding a proposed "Must-Carry" rule being considered by the Federal Communications Commission, FCC.

For a long time I have valued the service provided by PCN and the informative role it plays in Central Pennsylvania. PCN provides an invaluable public service to many of our constituents by educating and keeping them informed regarding the actions taken by state government. If the FCC adopts the proposed "Must-Carry" rule and those cable companies currently providing PCN to their customers drop PCN, I believe a great disservice will be done to the citizens of Pennsylvania. Being an avid viewer and supporter of PCN, I would appreciate your attention to this matter.

JEFFREY E. PICCOLA

JEP/mas Enclosure

cc: Brian Lockman

21st Senatorial District MARY JO WHITE

SENATE BOX 203021 THE STATE CAPITOL HARRISBURG, PA 17120-3021 (717) 787-9684 TTY (800) 364-1581



Senate of Pennsylvania

July 6, 1998

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POLICY

CENTER FOR RURAL PENNSYLVANIA

United States Senate Box 214 221 Strawberry Square Harrisburg, PA 17101

The Honorable Rick Santorum

Dear Senator Santorum:

I am writing in response to the Federal Communications Commission's current deliberations regarding digital television. I am particularly concerned over the proposed "Digital Must-Carry" rule that the FCC is considering.

As a result of the 1996 Federal Telecommunications Act Congress directed the FCC to issue licenses for digital television programmers and initiate a system for phasing in the era of digital television. It is my understanding that under the proposal cable television operators would be required to carry all broadcast stations' digital transmissions in addition to their current analog transmissions. This practice would in essence result in the same program from a broadcast station occupying two available channels for the benefit of only a few viewers.

The concern I have with such a practice is the inevitable reduction in the variety of channels that is presently carried by local cable operators. Because of the limited amount of channel space available, cable operators would need to remove one existing network for each digital broadcast station they are required to carry. It stands to reason that those stations not contributing to the revenue of the local cable operator would be removed first. For example, the existence of the Pennsylvania Cable Network, a private, non-profit network that brings Pennsylvania government into the homes of millions of residents, would be severely threatened.

It is my understanding that a similar "Must-Carry" order issued by the FCC several years ago as a result of the 1992 Cable Act resulted in the removal of several public service stations, such as C-SPAN and C-SPAN 2, from many local cable station lineups. Several years later, these stations are still struggling to recapture their viewer base. In an era when the public is demanding more input and awareness of government business, and we as elected officials are seeking a more informed and responsive electorate, we would do a great disservice to all involved by reducing the availability of public service television.

I would ask that you strongly voice your input to the FCC concerning the proposed "Digital Must-Carry" to ensure that quality public service television that seeks to inform and educate our constituents is not threatened. Thank you for your consideration of this important request.

Sincerely,

MARYYO WHITE

SENATOR, 21ST DISTRICT

MJW/ph

cc: Brian Lockman, PCN VP

Federal Legislators, 21st State Senatorial District

Democratic Caucus Chairman

11TH DISTRICT
MICHAEL A. O'PAKE, Esq.
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ROCKLAND PROFESSIONAL CENTER 1940 NORTH 13TH STREET, STE. 232 READING, PA 19604 TELEPHONE: (610) 929-2151

REPLY TO:

Harrisburg



Senate of Pennsylvania July 6, 1998 COMMITTEES

JUDICIARY, MINORITY CHAIRMAN
AGRICULTURE AND RURAL APPAIRS
APPROPRIATIONS
BANKING AND INSURANCE
EDUCATION
RULES AND EXECUTIVE NOMINATIONS

PENNSYLVANIA COMMISSION ON
CRIME AND DELINQUENCY
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY
JOINT STATE GOVERNMENT COMMISSION
EDUCATION COMMISSION OF THE STATES

The Honorable W.J. Tauzin, Chairman Telecommunications, Trade and Consumer Protection Subcommittee 2183 Rayburn House Office Building Washington, D.C. 20515

Dear Congressman Tauzin:

I am writing to express my strong concern regarding a proposal which I understand is currently before the Federal Communications Commission. According to information I have recently received, the FCC is considering a "Digital Must-Carry" rule that would, if implemented, require cable operators to carry all broadcast station's digital transmission in addition to their current analog transmissions.

Such a rule would force cable providers to drop existing networks, in order to make room for the newer, less-popular technology. One such network which risks the possibility of being dropped is the Pennsylvania Cable Network (PCN).

The PCN has been recognized as "a C-SPAN for PA" and has broadcast many valuable programs to the people of Pennsylvania. Providing viewers with coverage of PA State Government events, as well as educational programming, the PCN has been as valuable to cable subscribers as PBS and other public broadcasting has been for years.

Unfortunately, this private, non-profit network risks the chance of being dropped in favor of larger, well-financed, and highly profitable networks. The PCN as well as any public service broadcasting is both vital and valuable to the citizens of Pennsylvania, and should be treated with the same respect as given to the larger networks. Granting such preferential treatment to these larger networks creates an unfair atmosphere in which small non-profit public service networks such as PCN would be unable to continue the valuable services that it currently provides.

I respectfully request your assistance in ensuring that PCN be able to continue their quality programming. Although the "Digital Must-Carry" rule may become a benefit to cable subscribers in the future, we must look to other alternatives, rather than risking the existence of valued quality programing such as the Pennsylvania Cable Network.

Thank you for your time and consideration.

Sincerely,

Michael A. O'Pake Senator--11th District BABETTE JOSEPHS, MEMBER

REPLY TO:

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PHILADELPHIA, PENNSYLVANIA 19102 PHONE: (215) 893-1515 FAX: (215) 560-5816

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WEB SITE: http://www.ravenet.com/bjosephs

SE PHILADELPHIA JOINT LEGISLATIVE OFFICE 951 E. PASSYUNK AVENUE PHILADELPHIA, PENNSYLVANIA 19147 PHONE: (215) 463-4500 FAX: (215) 463-2415

July 9, 1998

Senator Arlen Specter Room 711, Hart Senate Building Washington, D.C. 20510

Dear Arlen:

RE: Digital Must Carry Rule

My concern about the proposed Digital Must-Carry rule and its probable negative impact on the Pennsylvania Cable Network (PCN) leads me to write this letter.

Under this rule, now being considered by the Federal Communications Commission, cable television systems would be required to carry all broadcast stations' digital transmission in addition to their current analog transmissions. As a result public service, non-profit stations, like PCN, would be pushed off the airways depriving hundreds of thousands of Pennsylvania viewers the opportunity to see their state government at work. It seems more than likely that only large, well-financed, commercial entertainment networks would continue to be carried. And these are a poor substitute for participation in and intimate knowledge of our democracy.

Two other considerations I hope you will note: PCN receives no funding from state or any other governmental entity and digital channels can viewed by only a handful of new digital television owners.

I hope you will join me in contacting Representative W.J. Tauzin, Chairman of the House Subcommittee on Telecommunications, Trade and Consumer Protection and ask him to see that the unique and special programming offered by PCN remains available to all viewers who choose it.

Babette Josephs

BJ:ms

cc: Rep. W.J. Tauzin,

U.S. House of Representatives 2125 Rayburn House Office Bldg.

Washington, D.C. 20515

Brian Lockman Brian P. Lamb



House of Representatives

COMMONWEALTH OF PENNSYLVANIA HARRISBURG COMMITTEES

APPROPRIATIONS,
DEMOCRATIC CHAIR, SUBCOMMITTEE
ON HEALTH AND HUMAN SERVICES
HEALTH AND HUMAN SERVICES
JUDICIARY
URBAN AFFAIRS

VICE CO-CHAIR AND REGIONAL WHIP, PHILADELPHIA DELEGATION DEMOCRATIC POLICY COMMITTEE CONVENER, THE WOMEN OF THE PA GENERAL ASSEMBLY SUBSTANCE ABUSE CALICUS

